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## Testimony of

Deb Migneault

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Connecticut's Legislative Commission on Aging

## Human Services Committee

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Senator Moore, Representative Abercrombie and esteemed members of the Human Services Committee, my name is Deb Migneault and I am the Senior Policy Analyst for Connecticut's Legislative Commission on Aging. I thank you for this opportunity to comment on HB 5257, HB 5358, HB 5806, SB 281 and SB 282 today.

As you know, Connecticut's Legislative Commission on Aging is the non-partisan, public policy office of the General Assembly devoted to preparing Connecticut for a significantly changed demographic and enhancing the lives of the present and future generations of older adults. For more than twenty years, the Legislative Commission on Aging has served as an effective leader in statewide efforts to promote choice, independence and dignity for Connecticut's older adults and persons with disabilities.

### **HB 5257: An Act Requiring Notice of Nursing Home Resident Abuse**

~ CT's Legislative Commission on Aging Informs

This bill requires the Department of Social Services (DSS's) Protective Services for the Elderly program to report any substantiated cases of abuse of a nursing home resident to the relative or responsible party of the resident. We value the intent of this bill which we believe is to keep relatives and responsible parties well informed of health and well-being of the nursing home resident. Respectfully, this bill seems to be duplicative of existing regulations that require the responsible party be notified of any abuse or neglect allegation. This proposal would require DSS to contact the responsible party (in addition to the already required notification from the nursing facility).

Specific to the technical components of the bill, we believe that if this bill is to move forward, CGS § 17b-407 should be amended instead of CGS § 17b-451, as 17b-407 is specific to cases of abuse and neglect in nursing facilities.



## **HB 5358: An Act Concerning a Bill of Rights for Continuing-Care Retirement Communities**

~ CT's Legislative Commission on Aging Supports

This bill would create a bill of rights for residents of continuing care retirement communities (CCRC's). The Legislative Commission on Aging is supportive of protecting the rights of individuals living in CCRC's and other similar residential environments. We believe that there are several core principles set forth in the Nursing Home Residents' Bill of Rights (CGS § 19a-550) that could help with drafting more specific language for a bill of rights for residents of CCRC's. We would be happy to work with members of this committee, LCO and other interested parties to further develop the concepts in this bill.

## **HB 5806: An Act Increasing the Minimum Amount of Assets That May Be Retained by the Spouse of an Institutionalized Person**

~ CT's Legislative Commission on Aging Supports

CT's Legislative Commission on Aging's long held principle is to create a system ~ through a series of policies, programmatic and funding reforms ~ that allows people to receive services and support in the environment of their choice. We know that the predominate choice for older adults and persons with disabilities is the community. At the same time, we know that people may choose or require nursing home care at some point in their lives. When this happens, often couples will be divided as one partner may need the type of services that an institution provides while the other one remains in the community. Clearly, we have an equal responsibility to the spouse living in the community. HB 5806 would help ease their financial challenges of the "Community Spouse".

Although Connecticut's cost of living is one of the highest in the country, the state utilizes the most restrictive option for states, and only permits the Community Spouse (of a person on Medicaid in the nursing home) the lesser of one half of the couples assets or \$117,240 but no less than \$23,449. Forcing a spend-down to the minimum amount of \$23,449 is in direct contradiction to the state and federal government's goals of helping keeping people in their homes as they age. This bill would set the minimum protected amount at \$50,000 and would ease the burden of the community spouse who is trying to maintain independence at home with limited resources available to them.

Past proposals on this matter have generated fiscal notes with varying estimates. The Legislative Commission on Aging fully supports a full analysis of the true cost of raising the minimum protected amount. In 2010, legislation was passed allowing the community spouse to keep the maximum protected amount. However, claiming budgetary issues, the legislation was later rescinded and returned to the federal minimum. Unfortunately, hard data is not available to ensure accuracy of the budgetary estimates and many believe that the budgetary assumptions did not take into account the longer-term costs of the community spouse spending down assets more quickly and potentially needing Medicaid assistance earlier.

Additionally, our 2009 study "Elders Living on the Edge: Toward Economic Security for Connecticut's Older Adults", conducted in partnership with the Permanent Commission on the

Status of Women, illustrates that many of Connecticut's older adults who are predominately relying on Social Security fall short of economic security. This economic security issue is most severe for older adult women. The current and most restrictive rule disproportionately affects women who statistically outlive their spouses. Support of this bill would demonstrate the state's commitment to "aging-in-place" and community living.

**SB 281 An Act Concerning Nursing Homes and**

**SB 282 An Act Concerning Long-Term Care**

~ CT's Legislative Commission on Aging Informs

CT's Legislative Commission on Aging appreciates this committee's support and commitment to rebalance the Medicaid long-term services and supports (LTSS) system. For several years now, CT's Legislative Commission on Aging has put forth recommendations and provided oversight with the implementation of rebalancing efforts which give people choice in where and how they receive long-term care services and support. These efforts involve highly complex and multifaceted policy, programmatic, regulatory and funding issues. We have worked with this committee on legislation that supports this initiative and we are truly grateful for your continued commitment on this work.

In recent years, DSS contracted with Mercer Consulting to analyze the long-term services and supports system both historically as well as projecting the needs of the future. Actuaries and analysts have produced pages and pages (roughly 730 pages) of town- by- town specific data that tell us much of what the state needs to know about 1) the number of needed institutional beds and nursing facilities, 2) the need for community- based service providers, and 3) the demand for direct care workers. Further analysis is currently taking place regarding housing needs. In January 2013, the Governor released a "Rebalancing Plan" which contained the findings of Mercer's work and provided strategies aimed at rebalancing the LTSS system. The data is featured on the DSS website. This plan, with significant amounts of data, is in addition to a data collected as part of the 2006 Long-Term Care Needs Assessment conducted by the UCONN Center on Aging with oversight by the Legislative Commission on Aging. Additionally, as mandated CGS § 17b-337, OPM and the Long-Term Care Planning Committee and in consultation with the Long-Term Care Advisory Council (chaired by the Legislative Commission on Aging), releases a Long-Term Services and Supports plan every three years. The last plan was submitted to the General Assembly in January 2013. The next plan is currently being drafted and will be submitted in January 2016.

*In lieu of these bills or as a complement, our Legislative Commission would be willing and grateful for the opportunity to provide you with an overview of these plans, reports and data pieces to support you in your work.*